

# **REVISED UNIFORM ATHLETE AGENTS ACT (2015)**

drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

at its

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-FOURTH YEAR  
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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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## **REVISED UNIFORM ATHLETE AGENTS ACT (2015)**

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# **REVISED UNIFORM ATHLETE AGENTS ACT (2015)**

## **TABLE OF CONTENTS**

PREFATORY NOTE.....	1
SECTION 1. SHORT TITLE .....	4
SECTION 2. DEFINITIONS.....	4
SECTION 3. [SECRETARY OF STATE][COMMISSION]; AUTHORITY; PROCEDURE. ...	9
SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID CONTRACT.....	10

### **Alternative A for Sections 5 through 9**

SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS; RECIPROCAL REGISTRATION.....	12
SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.	24
SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION. ....	26
SECTION 8. TEMPORARY REGISTRATION.....	26
SECTION 9. REGISTRATION AND RENEWAL FEES.....	27

### **Alternative B for Sections 5 through 9**

SECTION 5. COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE AGENTS.....	27
SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS.....	29
SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.	33
SECTION 8. LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION. ....	34
SECTION 9. TEMPORARY REGISTRATION.....	34

### **End of Alternatives**

SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.....	35
SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.....	37
SECTION 12. STUDENT ATHLETE’S RIGHT TO CANCEL. ....	40
SECTION 13. REQUIRED RECORDS.....	40
SECTION 14. PROHIBITED CONDUCT.....	41
SECTION 15. CRIMINAL PENALTY.....	42
SECTION 16. CIVIL REMEDY.....	43
SECTION 17. CIVIL PENALTY.....	44
[SECTION 18. INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE AGENTS.] .....	44
SECTION 19. UNIFORMITY OF APPLICATION AND CONSTRUCTION.....	45
SECTION 20. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.....	45

[SECTION 21. SEVERABILITY.] .....	46
SECTION 22. REPEALS; CONFORMING AMENDMENTS. ....	46
SECTION 23. EFFECTIVE DATE.....	46

1                                   **REVISED UNIFORM ATHLETE AGENTS ACT (2015)**

2                                   **PREFATORY NOTE**

3     With the immense amount of money at stake for a wide variety of professional athletes and those  
4     who represent them, the commercial marketplace in which athlete agents operate is extremely  
5     competitive. While seeking to best position one's clients and to maximize their potential income  
6     is both legal and good business practice, the recruitment of a student athlete while he or she is  
7     still enrolled in an educational institution can and will cause substantial eligibility problems for  
8     both the student and the institution, which can in turn lead to severe economic sanctions and loss  
9     of scholarships. The problem is more acute where an unscrupulous agent misleads a student,  
10    especially where the athlete is not aware of the implications of signing the agency agreement or  
11    where an agency contract is entered without notice to the institution. In response to these issues,  
12    the Uniform Athlete Agents Act (UAAA) was promulgated by the Uniform Law Commission  
13    (ULC) in 2000.

14  
15    In general, the UAAA did the following:

- 16       • Defined athlete agent as an individual who directly or indirectly induces or attempts to  
17       induce a student athlete to enter an agency contract.
- 18       • Defined student athlete as an individual who "engages in, is eligible to engage in, or may  
19       be eligible in the future to engage in, any intercollegiate sport."
- 20       • Except under limited and temporary circumstances, prohibited an individual from acting  
21       as an athlete agent without registering in the state.
- 22       • Required applicants to disclose: Training, experience, and education; any felony or crime  
23       of moral turpitude of which the applicant or an associate has been convicted; any  
24       administrative or judicial determination that the applicant has made a false or deceptive  
25       representation; and whether the applicant's agent's license has been denied, suspended,  
26       or revoked in any state or has been the subject or cause of any sanction, suspension, or  
27       declaration of ineligibility.
- 28       • Required agents to maintain executed contracts and other specified records for a period of  
29       five years, including information about represented individuals and recruitment.
- 30       • Allowed agents issued a valid certificate of registration or licensure in one state to cross-  
31       file that application (or an application for renewal thereof) in other states that have  
32       adopted the act.
- 33       • Provided student athletes with a statutory right to cancel an agency contract within 14  
34       days after the contract is signed.
- 35       • Required agency contracts to disclose the amount and method of calculating the agent's  
36       compensation, the name of any unregistered person receiving compensation because the  
37       athlete signed the agreement, and the reimbursable expenses and services to be provided  
38       and contain warnings of the cancellation and notice requirements imposed under the act.

- Required both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement, or before the athlete's next scheduled athletic event, whichever occurs first.
- Provided educational institutions with a statutory right of action against an athlete agent or former student athlete for damages, including losses and expenses incurred as a result of the educational institution being penalized, disqualified, or suspended from participation by an athletic association or conference, or as a result of reasonable self imposed disciplinary actions taken to mitigate sanctions, as well as costs and reasonable attorney's fees.
- Prohibited agents from providing materially false or misleading information, promise or representation, with the intent of inducing a student athlete to enter into an agency contract, furnishing anything of value to a student athlete or another person before that athlete enters into an agency contract, intentionally initiate contact with a student athlete unless registered under the act, refusing or willfully failing to retain or permit inspection of required records, failing to register where required; providing materially false or misleading information in an application for registration or renewal thereof; predating or postdating an agency contract; or failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport and imposed criminal penalties for violations of these prohibitions.

Some 43 states have enacted the UAAA. However, several states have amended the act to, among other things, deal with a perceived lack of enforcement, broaden the coverage of the act to individuals who do not necessarily recruit or solicit a student athlete to enter into an agency contract, and require notice to educational institutions prior to contact. It became evident that the variations from state to state put uniformity at risk and may have discouraged reputable agents from complying with the act. To deal with these issues, the Uniform Law Commission adopted the Revised Uniform Athlete Agents Act (RUAAA) in July of 2015.

The purposes of the RUAAA include providing enhanced protection for student athletes and educational institutions, creating a uniform body of agent registration information for use by the state agencies registering agents, and simplifying the registration process for agents. Specifically, the RUAAA:

- Revises the definition of "athlete agent" to include an individual who, for compensation or the anticipation of compensation, serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions or manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes, and an individual who gives something of value to a student athlete or another person in anticipation of representing the athlete for a purpose related to the athlete's participation in athletics.
- Contains two alternatives for athlete agent registration. Alternative A includes a true reciprocal registration requirement in that if an individual is issued a certificate of registration by one state, the registration is in good standing and no disciplinary

1 proceedings are pending against the registration, and the law in that state is the same or  
2 more restrictive as the law in another state, the other state would be required to register  
3 the individual. Alternative B would adopt an interstate compact when the act is enacted  
4 by at least five states. The compact would create the Commission on Interstate  
5 Regulation of Athlete Agents to provide a single registration site where an individual  
6 could register to act as an athlete agent in the states that are members of the compact.

- 7 • Adds additional requirements to the signing of an agency contract. The contract must  
8 now contain a statement that the athlete agent is registered in the state in which the  
9 contract is signed and list any other state in which the agent is registered and be  
10 accompanied by a separate record signed by the student athlete acknowledging that  
11 signing the contract may result in the loss of eligibility to participate in the athlete's sport.
- 12 • Requires an agent to notify the educational institution at which a student athlete is  
13 enrolled before contacting a student athlete and requires an athlete agent with a  
14 preexisting relationship with a student athlete who enrolls at an educational institution  
15 and receives an athletic scholarship to notify the institution of the relationship if the agent  
16 knows or should have known of the enrollment and the relationship was motivated by the  
17 intention of the agent to recruit or solicit the athlete to enter an agency contract or the  
18 agent actually recruited or solicited the student athlete to enter a contract.
- 19 • Adds criminal penalties for athlete agents who encourage another individual to take on  
20 behalf of the agent an action the agent is prohibited from taking and gives student athletes  
21 a right of action against an athlete agent in violation of the act.



1                                   **REVISED UNIFORM ATHLETE AGENTS ACT (2015)**

2                   **SECTION 1. SHORT TITLE.** This [act] may be cited as the Revised Uniform Athlete  
3 Agents Act (2015).

4                   **SECTION 2. DEFINITIONS.** In this [act]:

5                   (1) “Agency contract” means an agreement in which a student athlete authorizes a person  
6 to negotiate or solicit on behalf of the athlete a professional-sports-services contract or  
7 endorsement contract.

8                   (2) “Athlete agent”:

9                                   (A) means an individual, whether or not registered under this [act], who:

10   (i) directly or indirectly recruits or solicits a student athlete to enter into an  
11 agency contract or, for compensation, procures employment or offers, promises, attempts, or  
12 negotiates to obtain employment for a student athlete as a professional athlete or member of a  
13 professional sports team or organization;

14   (ii) for compensation or in anticipation of compensation related to a  
15 student athlete’s participation in athletics:

16   (I) serves the athlete in an advisory capacity on a matter related to  
17 finances, business pursuits, or career management decisions, unless the individual is an  
18 employee of an educational institution acting exclusively as an employee of the institution for the  
19 benefit of the institution; or

20   (II) manages the business affairs of the athlete by providing  
21 assistance with bills, payments, contracts, or taxes; or

22   (iii) in anticipation of representing a student athlete for a purpose related  
23 to the athlete’s participation in athletics:

1 (I) gives consideration to the student athlete or another person;  
2 (II) serves the athlete in an advisory capacity on a matter related to  
3 finances, business pursuits, or career management decisions; or

4 (III) manages the business affairs of the athlete by providing  
5 assistance with bills, payments, contracts, or taxes; but

6 (B) does not include an individual who:

7 (i) acts solely on behalf of a professional sports team or organization; or

8 (ii) is a licensed, registered, or certified professional and offers or provides  
9 services to a student athlete customarily provided by members of the profession, unless the  
10 individual:

11 (I) also recruits or solicits the athlete to enter into an agency  
12 contract;

13 (II) also, for compensation, procures employment or offers,  
14 promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or  
15 member of a professional sports team or organization; or

16 (III) receives consideration for providing the services calculated  
17 using a different method than for an individual who is not a student athlete.

18 (3) “Athletic director” means the individual responsible for administering the overall  
19 athletic program of an educational institution or, if an educational institution has separately  
20 administered athletic programs for male students and female students, the athletic program for  
21 males or the athletic program for females, as appropriate.

22 [(4) “Commission” means the Commission on Interstate Registration of Athlete Agents.]

23 [(5) “Compact” means the Interstate Compact for Registration of Athlete Agents.]

(6) “Educational institution” includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.

(7) “Endorsement contract” means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

(8) “Enrolled” means registered for courses and attending athletic practice or class. “Enrolls” has a corresponding meaning.

(9) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

(10) “Interscholastic sport” means a sport played between educational institutions that are not community colleges, colleges, or universities.

(11) “Licensed, registered, or certified professional” means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

(12) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) “Professional-sports-services contract” means an agreement under which an

individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

(14) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(15) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

(16) “Registration” means registration as an athlete agent under this [act].

(17) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(18) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(19) “Student athlete” means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

***Legislative Note:*** The definitions of “commission” and “compact” are bracketed to reflect alternatives for registration. See the Legislative Note for Alternative A preceding Section 5.

## Comment

Only individuals are within the definition of “athlete agent” and therefore required to register under the act. Corporations and other business entities do not come within the definition of “athlete agent” and therefore are not required to register under the act, even though individuals employed by the corporation or other business entity as athlete agents would be required to register. The definition also includes other individuals or “runners” used by an agent to recruit or solicit a student athlete to enter into an agency contract.

The amendment of the definition of athlete agent retains the language of the UAAA which makes an individual who directly or indirectly recruits or solicits a student athlete to enter an agency contract an athlete agent, but expands the definition to include an individual who:

(1) for compensation, procures or attempts to procure employment for a student athlete as a professional athlete;

(2) for compensation or the anticipation of compensation, represents a student athlete as an athlete or advises a student athlete on finances, business ventures, or career management or manages the business affairs of a student athlete; or

(3) in anticipation of representing a student athlete as an athlete, gives consideration to the student athlete or another person.

The term does not include a person who acts solely on behalf of a professional sports team or organization or a licensed, registered, or a certified professional acting within the scope of his or her license, registration, or certification unless the individual also recruits or solicits a student athlete to enter an agency contract or is an individual who, for compensation, procures or attempts to procure employment of a student athlete as a professional athlete or receives consideration for providing the professional services using a different method than for an individual who is not a student athlete.

Under the UAAA, an individual who solicited or recruited a student athlete to enter into an agency contract was an athlete agent. Under that law, individuals licensed as, for example, a financial advisor, are providing services to student athletes for little or no compensation in anticipation of signing the athlete to an agency contract, but are not registering as an athlete agent or otherwise complying with the act. Rather than debate whether the action of a licensed, registered, or certified professional is “recruiting or soliciting” for purposes of the UAAA definition, the definition was revised to remove any ambiguity.

A definition of “educational institution” was added to make clear the act is intended to apply to all educational institutions, whether public or private, and all levels of education.

Recruit or solicit, which is used in the definition of athlete agent, is defined to mean attempting to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, by a parent or guardian of the athlete. The UAAA excluded a spouse, parent, sibling, grandparent, or guardian of a student athlete from the definition of athlete agent. The act was also silent on the issue of coaches and student athletes although a coach who recruited or solicited a student athlete to enter into an agency contract with an athlete agent was technically an athlete agent. The definition of recruit or solicit excludes advice to select a particular athlete

1 agent given in a family, coaching, or social situation unless the advice is given because of the  
2 receipt or anticipated receipt of compensation from the agent. Thus, the parent of a student  
3 athlete who advises the athlete to select a particular agent is not an athlete agent unless the  
4 advice is given in exchange for compensation or the expectation of compensation from the agent.  
5 Similarly, a coach of a student athlete who advises the athlete to select a particular agent is not  
6 an agent unless the advice is given for compensation or the expectation of compensation from  
7 the agent.  
8

9 The definition of “student athlete” applies to a two-sport athlete who has eligibility  
10 remaining in one sport. For example, an individual who has signed a contract to play  
11 professional basketball is not a student athlete in basketball, but is a student athlete in baseball.  
12 The definition of “student athlete” also includes individuals who are not yet in college. It  
13 includes high school students, high school dropouts and high school graduates who have delayed  
14 matriculation to a college or university so long as the individual may have future eligibility for  
15 intercollegiate sports.  
16

17 **SECTION 3. [SECRETARY OF STATE][COMMISSION]; AUTHORITY;**  
18 **PROCEDURE.**

19 **Alternative A**

20 (a) The [administrative procedure act] applies to this [act]. The [Secretary of State] may  
21 adopt rules under the [administrative procedure act] to implement this [act].

22 **Alternative B**

23 (a) Except as otherwise provided in this [act], the commission is an agency of the state in  
24 which the headquarters of the commission is located and the law of that state, including the law  
25 relating to administrative procedure, public records, and public meetings, applies to the  
26 commission. The commission may adopt rules under the [administrative procedure act] of the  
27 state in which its headquarters is located to implement this [act].

28 **End of Alternatives**

29 (b) By acting as an athlete agent in this state, a nonresident individual appoints the  
30 [Secretary of State] [commission] as the individual’s agent for service of process in any civil  
31 action in this state related to the individual acting as an athlete agent in this state.

1 [(c) The [Secretary of State] [commission] may issue a subpoena for material that is  
2 relevant to the administration of this [act].]

3 **Legislative Note:** *There are two alternatives for subsection (a) to reflect the registration option*  
4 *discussed in the Legislative Note for Alternative A preceding Section 5.*

5 *If the administrative procedure act of a state does not give administrative agencies the*  
6 *power to issue a cease and desist order or otherwise prevent continued conduct in violation of*  
7 *the act, the state should consider specifically granting the power to the agency designated as the*  
8 *enforcement agency.*

9 *The Secretary of State has been designated as the administrator of existing acts*  
10 *regulating the activities of athlete agents more frequently than any other office. It is recognized,*  
11 *however, that the appropriate state office to administer this act may vary from state to state and,*  
12 *therefore, references to the Secretary of State are in brackets.*

13 *Subsection (c) is in brackets because it may not be required under the administrative*  
14 *procedure acts of some states.*

15  
16 **SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID**

17 **CONTRACT.**

18 (a) Except as otherwise provided in subsection (b), an individual may not act as an athlete  
19 agent in this state without holding a certificate of registration under this [act].

20 (b) Before being issued a certificate of registration under this [act] an individual may act  
21 as an athlete agent in this state for all purposes except signing an agency contract, if:

22 (1) a student athlete or another person acting on behalf of the athlete initiates  
23 communication with the individual; and

24 (2) not later than seven days after an initial act that requires the individual to  
25 register as an athlete agent, the individual submits an application for registration as an athlete  
26 agent in this state.

27 (c) An agency contract resulting from conduct in violation of this section is void, and the  
28 athlete agent shall return any consideration received under the contract.

29 **Comment**

30 The intent of this section is to make the registration requirement as broad as

1 constitutionally permissible consistent with the minimum contacts theory of *International Shoe*  
2 *Company v. Washington*, 326 U.S. 310 (1945). Agents must register in each state in which they  
3 have established minimum contacts. For example, an individual in state A contacting a student  
4 athlete in state B is acting as an athlete agent in both states and is therefore required to register in  
5 both states.

6  
7 Subsection (b) provides a safe harbor for an unregistered individual with whom a student  
8 athlete initiates communications. The individual must apply for registration within seven days  
9 from the beginning of any effort to recruit or solicit the student athlete to enter into an agency  
10 contract. If the individual does not attempt to recruit or solicit the student athlete to sign an  
11 agency contract, registration is not required.

12  
13 In addition to the penalties that may be imposed under Sections 15 and 17, subsection (c)  
14 discourages contact with a student athlete by an individual who has not registered as an athlete  
15 agent. An agency contract resulting from that contact is void, not merely voidable.

#### 16 17 **Alternative A for Sections 5 through 9**

18 ***Legislative Note:*** *There are two alternatives for Sections 5 through 9. Alternative A establishes a*  
19 *registration system in the enacting state which requires the enacting state to register an*  
20 *individual who is registered in another state if the enacting state determines the law of the other*  
21 *state is substantially similar to or more restrictive than the law of the enacting state, the*  
22 *registration in the other state has not been revoked or suspended, and no action involving the*  
23 *agent's conduct as an agent is pending.*

24 *Alternative B creates a central registration agency, the Commission on Interstate*  
25 *Registration of Athlete Agents, and provides that states enacting Alternative B will be entering*  
26 *into an interstate compact with other states that enact it.*

27 *While the numbering of the sections in the two alternatives is different because Section 5*  
28 *of Alternative B creates the commission and the contents of Section 9 are folded into Section 5,*  
29 *the substantive requirements for the initial registration and the basis for denial of registration or*  
30 *the suspension, revocation, or failure to renew registration are identical in both alternatives.*  
31 *Thus, the effect of Alternative B in a state adopting the compact is to delegate the responsibility*  
32 *for the registration of athlete agents and the civil enforcement of the act to a central entity*  
33 *created by the compact. A state adopting Alternative B also will have to amend Section 2 to*  
34 *include the definition of commission for the new central registration agency and the definition of*  
35 *"compact" for the interstate compact, select Alternative B for Section 3(a), add bracketed*  
36 *Section 18 containing language formally creating the Interstate Compact, make conforming*  
37 *changes replacing [Secretary of State] with the commission in Section 17, and make additional*  
38 *conforming changes in Section 4. Since the operation of Alternative B is conditioned on that*  
39 *alternative being adopted by at least five states, a state that elects to participate in the interstate*  
40 *compact before the interstate compact becomes effective may wish either to continue its existing*  
41 *athlete agent registration program until the interstate compact becomes effective and the*  
42 *commission created by the compact is in operation or enact Alternative A on an interim basis.*



1           **SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION;**  
2           **REQUIREMENTS; RECIPROCAL REGISTRATION.**

3           (a) An applicant for registration as an athlete agent shall submit an application for  
4 registration to the [Secretary of State] in a form prescribed by the [Secretary of State]. The  
5 applicant must be an individual, and the application must be signed by the applicant under  
6 penalty of perjury. The application must contain at least the following:

7                   (1) the name and date and place of birth of the applicant and the following  
8 contact information for the applicant:

9                           (A) the address of the applicant's principal place of business;

10                          (B) work and mobile telephone numbers; and

11                         (C) any means of communicating electronically, including a facsimile  
12 number, electronic-mail address, and personal and business or employer websites;

13                   (2) the name of the applicant's business or employer, if applicable, including for  
14 each business or employer, its mailing address, telephone number, organization form, and the  
15 nature of the business;

16                   (3) each social-media account with which the applicant or the applicant's business  
17 or employer is affiliated;

18                   (4) each business or occupation in which the applicant engaged within five years  
19 before the date of the application, including self-employment and employment by others, and  
20 any professional or occupational license, registration, or certification held by the applicant during  
21 that time;

22                   (5) a description of the applicant's:

23                           (A) formal training as an athlete agent;

1 (B) practical experience as an athlete agent; and  
2 (C) educational background relating to the applicant's activities as an  
3 athlete agent;

4 (6) the name of each student athlete for whom the applicant acted as an athlete  
5 agent within five years before the date of the application or, if the individual is a minor, the name  
6 of the parent or guardian of the minor, together with the athlete's sport and last-known team;

7 (7) the name and address of each person that:

8 (A) is a partner, member, officer, manager, associate, or profit sharer or  
9 directly or indirectly holds an equity interest of five percent or greater of the athlete agent's  
10 business if it is not a corporation; and

11 (B) is an officer or director of a corporation employing the athlete agent or  
12 a shareholder having an interest of five percent or greater in the corporation;

13 (8) a description of the status of any application by the applicant, or any person  
14 named under paragraph (7), for a state or federal business, professional, or occupational license,  
15 other than as an athlete agent, from a state or federal agency, including any denial, refusal to  
16 renew, suspension, withdrawal, or termination of the license and any reprimand or censure  
17 related to the license;

18 (9) whether the applicant, or any person named under paragraph (7), has pleaded  
19 guilty or no contest to, has been convicted of, or has charges pending for, a crime that would  
20 involve moral turpitude or be a felony if committed in this state and, if so, identification of:

21 (A) the crime;

22 (B) the law-enforcement agency involved; and

23 (C) if applicable, the date of the conviction and the fine or penalty

1 imposed;

2 (10) whether, within 15 years before the date of application, the applicant, or any  
3 person named under paragraph (7), has been a defendant or respondent in a civil proceeding,  
4 including a proceeding seeking an adjudication of [legal incompetence] and, if so, the date and a  
5 full explanation of each proceeding;

6 (11) whether the applicant, or any person named under paragraph (7), has an  
7 unsatisfied judgment or a judgment of continuing effect, including [alimony] or a domestic order  
8 in the nature of child support, which is not current at the date of the application;

9 (12) whether, within 10 years before the date of application, the applicant, or any  
10 person named under paragraph (7), was adjudicated bankrupt or was an owner of a business that  
11 was adjudicated bankrupt;

12 (13) whether there has been any administrative or judicial determination that the  
13 applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or  
14 fraudulent representation;

15 (14) each instance in which conduct of the applicant, or any person named under  
16 paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility  
17 to participate in an interscholastic, intercollegiate, or professional athletic event on a student  
18 athlete or a sanction on an educational institution;

19 (15) each sanction, suspension, or disciplinary action taken against the applicant,  
20 or any person named under paragraph (7), arising out of occupational or professional conduct;

21 (16) whether there has been a denial of an application for, suspension or  
22 revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any  
23 person named under paragraph (7), as an athlete agent in any state;

(17) each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(18) if the applicant is certified or registered by a professional league or players association:

(A) the name of the league or association;

(B) the date of certification or registration, and the date of expiration of the certification or registration, if any; and

(C) if applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(19) any additional information required by the [Secretary of State].

(b) Instead of proceeding under subsection (a), an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the [Secretary of State]:

(1) a copy of the application for registration in the other state;

(2) a statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and

(3) a copy of the certificate of registration from the other state.

(c) The [Secretary of State] shall issue a certificate of registration to an individual who applies for registration under subsection (b) if the [Secretary of State] determines:

(1) the application and registration requirements of the other state are substantially similar to or more restrictive than this [act]; and

1 (2) the registration has not been revoked or suspended and no action involving the  
2 individual's conduct as an athlete agent is pending against the individual or the individual's  
3 registration in any state.

4 (d) For purposes of implementing subsection (c), the [Secretary of State] shall:

5 (1) cooperate with national organizations concerned with athlete agent issues and  
6 agencies in other states which register athlete agents to develop a common registration form and  
7 determine which states have laws that are substantially similar to or more restrictive than this  
8 [act]; and

9 (2) exchange information, including information related to actions taken against  
10 registered athlete agents or their registrations, with those organizations and agencies.

#### 11 **Comment**

12 The UAAA required an application for registration as an athlete agent to contain personal  
13 and business information about the applicant. RUAAA expands the information required to be  
14 contained on the application to require, among other things, disclosure of financial information  
15 and, recognizing that communication between an athlete agent and a student athlete may be by  
16 electronic means, electronic mail addresses and social media accounts.

17  
18 The UAAA also contained bracketed language that an application filed under the act was  
19 a public record. The intention of the committee was not to rewrite the public record law of any  
20 state, but to default to that law, whatever it is. Thus, in some states, certain information on the  
21 application, such as a trade secret, may not be a public record, while the public record law in  
22 another state may require a different result.

23  
24 Subsection (a)(6) is not intended to require an athlete agent who is also a licensed,  
25 registered, or certified professional, to violate any privilege, including the attorney-client  
26 privilege.

27  
28 Section 5 of the UAAA was not a true reciprocal registration provision in that, while it  
29 allowed for submission of the application for registration in one state to another state, the second  
30 state was free to require additional information or refuse to issue the registration on various  
31 grounds. The amended version is a true reciprocal registration provision in that if an individual  
32 registered in one state applies for registration in a second state, the second state is required to  
33 grant the registration if it determines the law in the first state is the same or more restrictive than  
34 the law in the second state, the registration is in good standing, and no proceeding involving the  
35 individual's conduct as an athlete agent is pending in any state in which the individual is

1 registered.

2  
3 A central registration point with a single form is the easiest way to facilitate the  
4 reciprocal licensing provisions of subsection (b). Subsection (c) encourages the administrative  
5 agencies to which the enforcement of the act is delegated to cooperate with agencies from other  
6 states to that end. It is recognized there are substantial obstacles to a central registration office,  
7 not the least of which is cost. If it is not possible or feasible to create a central registration point,  
8 agencies are encouraged to adopt the following standard form:

## 9 10 REGISTRATION FORM

### 11 PART I. GENERAL INFORMATION

12 [Use additional sheets as necessary]

13 1. Registrant first name: \_\_\_\_\_

14 2. Registrant middle name: \_\_\_\_\_

15 3. Registrant last name: \_\_\_\_\_

16 4. If you have ever been known by any other name, surname, or maiden name, list the  
17 name: \_\_\_\_\_

18 5. Name of your organization involved in providing services for athletes: \_\_\_\_\_

19 \_\_\_\_\_

20 6. Your position or title within the organization identified in Item 5: \_\_\_\_\_

21 \_\_\_\_\_

22 7. Mailing address, city, state, and zip code of organization identified in Item 5: \_\_\_\_\_

23 \_\_\_\_\_

24 8. Work phone: \_\_\_\_\_

25 9. Mobile phone: \_\_\_\_\_

26 10. Fax number: \_\_\_\_\_

27 11. Work and Personal Email and Website: \_\_\_\_\_

28 12. Birthplace and date of birth: \_\_\_\_\_

13. List all social-media accounts with which you and the organization identified in Item 5 are affiliated: \_\_\_\_\_

14. Indicate if you are registered or certified by any professional league or player's association, the date of registration or certification, and, if applicable, the date of expiration, as of the date of the completion of this form, with:

Major League Baseball Players Association \_\_\_\_\_

National Basketball Players Association \_\_\_\_\_

National Football Players Association \_\_\_\_\_

National Hockey League Players Association \_\_\_\_\_

Other \_\_\_\_\_

None \_\_\_\_\_

15. If "Other" was selected for Item 14, name the professional association(s): \_\_\_\_\_

---

16. List all states in which you are currently registered or have applied to be registered pursuant to any state statute regulating athlete agents: \_\_\_\_\_

## PART II. EDUCATION

For each item in this part, include: School name, city and state, degree conferred, and year the degree was awarded.

17. Professional/Graduate School(s): \_\_\_\_\_

18. Undergraduate School(s): \_\_\_\_\_

19. High School(s): \_\_\_\_\_

PART III. CURRENT OCCUPATION/EMPLOYMENT

20. Are you self-employed? (Y/N) (If you are not self-employed, skip to Item 23.)

21. Provide the dates and duration of your self-employment: \_\_\_\_\_

22. Describe the nature of your current self-employment: \_\_\_\_\_

23. If you are not self-employed, provide each item listed below for every organization by which you are employed:

Name of employer: \_\_\_\_\_

Supervisor's name: \_\_\_\_\_

Supervisor's address and work phone: \_\_\_\_\_

Initial date of employment (including month and year): \_\_\_\_\_

Nature of your current employment: \_\_\_\_\_

24. Provide the following information for each firm or organization with which you are currently affiliated: Name, mailing address, phone number, organizational form (for example, a sole proprietorship, corporation, partnership, or other entity), and nature of business: \_\_\_\_\_

25. If a firm or organization listed in Item 24 is a partnership, list the name of each partner below. If a firm or organization listed in Item 24, is a corporation, list the name of each officer and member of the board of directors. For each firm or organization, designate the partners, officers, shareholders, or members of the board of directors who customarily perform work for or on behalf of professional athletes: \_\_\_\_\_



26. List each individual not named in Item 25, who: (a) has an ownership interest of 5% or more in each firm or organization listed in Item 24 which is a corporation; (b) has wholly or partially financed your firm or organization (other than financing or credit extended in the ordinary course of business by lending institutions); or (c) directly or indirectly exercises or has the power to exercise a controlling influence over the management of your firm or organization. For each individual, provide their respective name, mailing address, phone number, and nature of involvement (for example, describe the individual's ownership interest, amount of financing provided, or basis of the individual's controlling influence: \_\_\_\_\_

27. Provide your employment history for the past five years or a resume that indicates that employment history: \_\_\_\_\_

#### PART IV. PROFESSIONAL BACKGROUND

28. List each membership you have in a business or professional organization that directly relates to your occupation or profession: \_\_\_\_\_

29. List each occupational or professional license or other similar credential (i.e., Certified Public Accountant, Chartered Life Underwriter, Registered Investment Advisor, etc.) you have obtained, including the date and status of the license or credential obtained: \_\_\_\_\_

30. Have you ever been denied an occupational or professional license from a state or federal regulatory agency? (Y/N)



1           40. Indicate the nature of any charge or complaint currently pending against you  
2 regarding your conduct as a member of a profession. For each charge or complaint, specify the  
3 name and address of the authority considering the charge or complaint. If no charge or  
4 complaint is currently pending against you, enter "None." \_\_\_\_\_  
5 \_\_\_\_\_

6           41. Have you ever been convicted of or pleaded guilty to a criminal charge or have a  
7 criminal charge currently pending against you? (Y/N)

8           42. If you answered "Yes" to Item 41, provide the following information for each  
9 occurrence: Offense, law enforcement agency involved, and, if applicable, the date of conviction  
10 and the fine or penalty imposed: \_\_\_\_\_  
11 \_\_\_\_\_

12           43. Within the 15 years before the date of this application, have you been a defendant in a  
13 civil proceeding? (Y/N)

14           44. If you answered "Yes" to Item 43, specify the date of each proceeding and explain  
15 each occurrence fully: \_\_\_\_\_

16           45. If you have been adjudicated legally incompetent by any court within the last 15 years  
17 of the date of this application, specify the date and nature of the determination: \_\_\_\_\_  
18 \_\_\_\_\_

19           46. Have you ever been suspended or expelled from an educational institution? (Y/N)

20           47. If you answered "Yes" to Item 46, specify the date of the suspension or expulsion, the  
21 educational institution involved, and the reason for the suspension or expulsion: \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_

48. Is there any unsatisfied judgment of continuing effect against you (including alimony and child support)? (Y/N)

49. If you answered "Yes" to Item 48, explain the unsatisfied judgment fully: \_\_\_\_\_

50. Within the 10 years before the date of this application, have you been declared bankrupt or been an owner or part-owner of a business that was declared bankrupt? (Y/N)

51. If you answered "Yes" to Item 50, specify the date and fully explain each occurrence:

52. Have you ever been involved in any action that resulted in the imposition of a sanction against an educational institution or the imposition of a sanction against or suspension or declaration of ineligibility of a student athlete from participating in an interscholastic, intercollegiate, or professional athletic event? (Y/N)

53. If you answered "Yes" to Item 52, provide the following for each occurrence: the complaint or charge, the date of alleged violation, the results or status of any related investigation, and the name of the authority imposing any related sanction: \_\_\_\_\_

54. For any organization listed in Item 14, list any denial, refusal to renew, withdrawal, or termination of the certification or registration, or any reprimand or censure related to the certification or license:

## ACKNOWLEDGEMENT

By entering my name below, I attest under penalty of perjury that all statements, affirmations, and representations made in this application and its attachments are accurate as of my application date and are made for the benefit of the state and its student athletes, both present

1 and future, and that the information contained herein, except for information that is a trade secret  
2 or personal information the disclosure of which would constitute an unwarranted invasion of  
3 personal privacy, is public information and may be provided by the state to student athletes and  
4 other individuals without restriction.

5 \_\_\_\_\_  
6 Name

7 **SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;**  
8 **RENEWAL.**

9 (a) Except as otherwise provided in subsection (b), the [Secretary of State] shall issue a  
10 certificate of registration to an applicant for registration who complies with Section 5(a).

11 (b) The [Secretary of State] may refuse to issue a certificate of registration to an applicant  
12 for registration under Section 5(a) if the [Secretary of State] determines that the applicant has  
13 engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an  
14 athlete agent. In making the determination, the [Secretary of State] may consider whether the  
15 applicant has:

16 (1) pleaded guilty or no contest to, has been convicted of, or has charges pending  
17 for, a crime that would involve moral turpitude or be a felony if committed in this state;

18 (2) made a materially false, misleading, deceptive, or fraudulent representation in  
19 the application or as an athlete agent;

20 (3) engaged in conduct that would disqualify the applicant from serving in a  
21 fiduciary capacity;

22 (4) engaged in conduct prohibited by Section 14;

23 (5) had a registration as an athlete agent suspended, revoked, or denied in any  
24 state;

1 (6) been refused renewal of registration as an athlete agent in any state;

2 (7) engaged in conduct resulting in imposition of a sanction, suspension, or  
3 declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional  
4 athletic event on a student athlete or a sanction on an educational institution; or

5 (8) engaged in conduct that adversely reflects on the applicant's credibility,  
6 honesty, or integrity.

7 (c) In making a determination under subsection (b), the [Secretary of State] shall  
8 consider:

9 (1) how recently the conduct occurred;

10 (2) the nature of the conduct and the context in which it occurred; and

11 (3) other relevant conduct of the applicant.

12 (d) An athlete agent registered under subsection (a) may apply to renew the registration  
13 by submitting an application for renewal in a form prescribed by the [Secretary of State]. The  
14 applicant shall sign the application for renewal under penalty of perjury and include current  
15 information on all matters required in an original application for registration.

16 (e) An athlete agent registered under Section 5(c) may renew the registration by  
17 proceeding under subsection (d) or, if the registration in the other state has been renewed, by  
18 submitting to the [Secretary of State] copies of the application for renewal in the other state and  
19 the renewed registration from the other state. The [Secretary of State] shall renew the registration  
20 if the [Secretary of State] determines:

21 (1) the registration requirements of the other state are substantially similar to or  
22 more restrictive than this [act]; and

23 (2) the renewed registration has not been suspended or revoked and no action

1 involving the individual's conduct as an athlete agent is pending against the individual or the  
2 individual's registration in any state.

3 (f) A certificate of registration or renewal of registration under this [act] is valid for [two]  
4 years.

#### 5 **Comment**

6 This section has been revised to reflect the true reciprocal registration provisions of  
7 Section 5.

### 8 **SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW** 9 **REGISTRATION.**

10 (a) The [Secretary of State] may limit, suspend, revoke, or refuse to renew a registration  
11 of an individual registered under Section 6(a) for conduct that would have justified refusal to  
12 issue a certificate of registration under Section 6(b).

13 (b) The [Secretary of State] may suspend or revoke the registration of an individual  
14 registered under Section 5(c) or renewed under Section 6(e) for any reason for which the  
15 [Secretary of State] could have refused to grant or renew registration or for conduct that would  
16 justify refusal to issue a certificate of registration under Section 6(b).

17 **SECTION 8. TEMPORARY REGISTRATION.** The [Secretary of State] may issue a  
18 temporary certificate of registration as an athlete agent while an application for registration or  
19 renewal of registration is pending.

#### 20 **Comment**

21 The discretion to issue a temporary certificate of registration is broad enough to include  
22 issuance of such a certificate even where the registration may be contested. It is not necessary to  
23 issue a temporary certificate to protect an individual with whom a student athlete initiated  
24 communications. Under Section 4(b), that individual is only required to file an application for  
25 registration within seven days after commencement of efforts to recruit or solicit the student  
26 athlete to sign an agency contract.  
27  
28

**SECTION 9. REGISTRATION AND RENEWAL FEES.** An application for registration or renewal of registration as an athlete agent must be accompanied by a fee in the following amount:

- (1) \$[ ] for an initial application for registration;
- (2) \$[ ] for registration based on a certificate of registration issued by another state;
- (3) \$[ ] for an application for renewal of registration; or
- (4) \$[ ] for renewal of registration based on a renewal of registration in another state.

**Comment**

The amount of fees is left for each state to determine. Some states with existing acts have set fees in amounts sufficient to recover the cost of administration. If that approach is taken, a fee for registration or renewal based on registration or renewal of registration in another state should be less than when a complete evaluation and review of an application is necessary.

Athlete agent registration is the cornerstone of this act. High registration fees imposed by some states with existing acts have probably contributed to seemingly small numbers of registrants under existing acts. The success of this act may be contingent on the implementation of a reasonable fee structure which does not motivate non-compliance.

**Alternative B for Sections 5 through 9**

**Legislative Note:** As discussed in the Legislative Note for Alternative A, a state adopting Alternative B also will have to amend Section 2 to include the definition of commission for the new central registration agency and the definition of “compact” for the interstate compact, select Alternative B for Section 3(a), add bracketed Section 18 containing language formally creating the Interstate Compact, make conforming changes replacing [Secretary of State] with the commission in Section 17, and make additional conforming changes in Section 4. Since the operation of Alternative B is conditioned on that alternative being adopted by at least five states, a state that elects to participate in the interstate compact before the interstate compact becomes effective may wish either to continue its existing athlete agent registration program until the interstate compact becomes effective and the commission created by the compact is in operation or enact Alternative A on an interim basis.

**SECTION 5. COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE AGENTS.**

- (a) The Commission on Interstate Registration of Athlete Agents is created. The



1 commission is a body corporate and joint agency of the states that enact an act substantially  
2 similar to this [act]. The commission consists of one member from each state that enacts such an  
3 act appointed by the Governor of that state.

4 (b) The first meeting of the commission must be held not later than 90 days after the fifth  
5 state enacts an act substantively similar to this [act]. A majority of the states that enact such an  
6 act constitutes a quorum for the conduct of business.

7 (c) At its first meeting, the commission shall adopt bylaws that provide for:

- 8 (1) an executive committee to manage day-to-day affairs of the commission;
- 9 (2) the operation of the commission, including employment of necessary staff;
- 10 (3) maintaining a location for the registration of athlete agents in the states that  
11 enact an act substantially similar to this [act];
- 12 (4) establishing the registration fee and the apportionment of the fee among the  
13 states that enact an act substantially similar to this [act]; and
- 14 (5) any other matter necessary for efficient operation of the commission.

15 (d) The commission:

- 16 (1) shall pay or provide for payment of the reasonable expenses of the  
17 establishment, organization, and ongoing activities of the commission;
- 18 (2) may accept a grant of money, equipment, supplies, materials, or services and  
19 donations;
- 20 (3) may assess each member state annually on a basis determined by the  
21 commission to cover operation costs of the commission not funded by registration fees imposed  
22 under subsection (c)(4);
- 23 (4) may not incur an obligation before securing funds adequate to meet the

obligation;

(5) may not pledge the credit of a member state, except with the authority of the member state; and

(6) shall keep an accurate account of receipts and disbursements, under audit and accounting procedures established under the commission's bylaws.

(e) The receipt and disbursement of funds by the commission must be audited yearly by a certified or licensed public accountant, and the commission shall include the audit report in an annual report of the commission.

### **Comment**

This section creates the Commission on Interstate Registration of Athlete Agents and provides for its organization, powers, and duties. Since the existence of the compact is conditioned on at least five states adopting Alternative B in substantially the same form, deviation from the language of this section or any other provision of Alternative B is discouraged.

### **SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION;**

**REQUIREMENTS.** An applicant for registration as an athlete agent shall submit an application for registration to the commission in a form prescribed by the commission. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:

(1) the name and date and place of birth of the applicant and the following contact information for the applicant:

(A) the address of the applicant's principal place of business;

(B) work and mobile telephone numbers; and

(C) any means of communicating electronically, including a facsimile number, electronic-mail address, and personal and business or employer websites;

1 (2) the name of the applicant's business or employer, if applicable, including for each  
2 business or employer, its mailing address, telephone number, organization form, and the nature  
3 of the business;

4 (3) each social-media account with which the applicant or the applicant's business or  
5 employer is affiliated;

6 (4) each business or occupation in which the applicant engaged within five years before  
7 the date of the application, including self-employment and employment by others, and any  
8 professional or occupational license, registration, or certification held by the applicant during  
9 that time;

10 (5) a description of the applicant's:

11 (A) formal training as an athlete agent;

12 (B) practical experience as an athlete agent; and

13 (C) educational background relating to the applicant's activities as an athlete  
14 agent;

15 (6) the name of each student athlete for whom the applicant acted as an athlete agent  
16 within five years before the date of the application or, if the athlete is a minor, the name of the  
17 parent or guardian of the minor, together with the athlete's sport and last-known team;

18 (7) the name and address of each person that:

19 (A) is a partner, member, officer, manager, associate, or profit sharer or directly  
20 or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it  
21 is not a corporation; and

22 (B) is an officer or director of a corporation employing the athlete agent or a  
23 shareholder having an interest of five percent or greater in the corporation;

1 (8) a description of the status of any application by the applicant, or any person named  
2 under paragraph (7), for a state or federal business, professional, or occupational license, other  
3 than as an athlete agent, including any denial, refusal to renew, suspension, withdrawal, or  
4 termination of the license and any reprimand or censure related to the license;

5 (9) whether the applicant, or any person named under paragraph (7), has pleaded guilty or  
6 no contest to, has been convicted of, or has charges pending for, a crime involving moral  
7 turpitude or which is a felony and, if so, identify:

8 (A) the crime;

9 (B) the law-enforcement agency involved; and

10 (C) if applicable, the date of the conviction and the fine or penalty imposed;

11 (10) whether, within 15 years before the date of application, the applicant, or any person  
12 named under paragraph (7), has been a defendant or respondent in a civil proceeding, including a  
13 proceeding seeking an adjudication of legal incompetence, and, if so, the date and a full  
14 explanation of each proceeding;

15 (11) whether the applicant, or any person named under paragraph (7), has an unsatisfied  
16 judgment or a judgment of continuing effect, including alimony or a domestic order in the nature  
17 of child support, which is not current at the date of the application;

18 (12) whether, within 10 years before the date of application, the applicant, or any person  
19 named under paragraph (7), was adjudicated bankrupt or was an owner of a business that was  
20 adjudicated bankrupt;

21 (13) whether there has been any administrative or judicial determination that the  
22 applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or  
23 fraudulent representation;

1 (14) each instance in which conduct of the applicant, or any person named under  
2 paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility  
3 to participate in an interscholastic, intercollegiate, or professional athletic event on a student  
4 athlete or a sanction on an educational institution;

5 (15) each sanction, suspension, or disciplinary action taken against the applicant, or any  
6 person named under paragraph (7), arising out of occupational or professional conduct;

7 (16) whether there has been a denial of an application for, suspension or revocation of,  
8 refusal to renew, or abandonment of, the registration of the applicant, or any person named under  
9 paragraph (7), as an athlete agent in any state;

10 (17) each state in which the applicant currently is registered as an athlete agent or has  
11 applied to be registered as an athlete agent;

12 (18) if the applicant is certified or registered by a professional league or players  
13 association:

14 (A) the name of the league or association;

15 (B) the date of certification or registration, and the date of expiration of the  
16 certification or registration, if any; and

17 (C) if applicable, the date of any denial of an application for, suspension or  
18 revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration  
19 or any reprimand or censure related to the certification or registration; and

20 (19) any additional information required by the commission.

21 **Legislative Note:** Paragraphs (10) and (11) use the terms “legal incompetence” and “alimony”.  
22 If those are not the appropriate terms for a state, the insertion of the state specific terms is not  
23 intended to be a deviation from the substantially similar requirement for the adoption of the  
24 Interstate Compact.  
25

1 **Comment**

2 This section parallels Section 5 of Alternative A.

3 **SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;**  
4 **RENEWAL.**

5 (a) Except as otherwise provided in subsection (b), the commission shall issue a  
6 certificate of registration to an applicant for registration who complies with Section 6.

7 (b) The commission may refuse to issue a certificate of registration to an applicant for  
8 registration under Section 6 if the commission determines that the applicant has engaged in  
9 conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent.

10 In making the determination, the commission may consider whether the applicant has:

11 (1) pleaded guilty or no contest to, has been convicted of, or has charges pending  
12 for, a crime involving moral turpitude or which is a felony;

13 (2) made a materially false, misleading, deceptive, or fraudulent representation in  
14 the application or as an athlete agent;

15 (3) engaged in conduct that would disqualify the applicant from serving in a  
16 fiduciary capacity;

17 (4) engaged in conduct prohibited by Section 14;

18 (5) had a registration as an athlete agent suspended, revoked, or denied in any  
19 state;

20 (6) been refused renewal of registration as an athlete agent in any state;

21 (7) engaged in conduct resulting in imposition of a sanction, suspension, or  
22 declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional  
23 athletic event on a student athlete or a sanction on an educational institution; or

(8) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b), the commission shall consider:

(1) how recently the conduct occurred;

(2) the nature of the conduct and the context in which it occurred; and

(3) other relevant conduct of the applicant.

(d) An athlete agent registered under subsection (a) may apply to renew the registration by submitting an application for renewal in a form prescribed by the commission. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(e) A certificate of registration or a renewal of registration under this [act] is valid for two years.

#### **Comment**

This section parallels Section 6 of Alternative A.

**SECTION 8. LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.** The commission may limit, suspend, revoke, or refuse to renew a registration of an individual registered under Section 7 for conduct that would have justified refusal to issue a certificate of registration under Section 7(b).

#### **Comment**

This section parallels Section 7 of Alternative A.

**SECTION 9. TEMPORARY REGISTRATION.** The commission may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

1 **Comment**

2 This section parallels Section 8 of Alternative A.

3 **End of Alternatives**

4 **SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.**

5 (a) An agency contract must be in a record signed by the parties.

6 (b) An agency contract must contain:

7 (1) a statement that the athlete agent is registered as an athlete agent in this state  
8 and a list of any other states in which the agent is registered as an athlete agent;

9 (2) the amount and method of calculating the consideration to be paid by the  
10 student athlete for services to be provided by the agent under the contract and any other  
11 consideration the agent has received or will receive from any other source for entering into the  
12 contract or providing the services;

13 (3) the name of any person not listed in the agent's application for registration or  
14 renewal of registration which will be compensated because the athlete signed the contract;

15 (4) a description of any expenses the athlete agrees to reimburse;

16 (5) a description of the services to be provided to the athlete;

17 (6) the duration of the contract; and

18 (7) the date of execution.

19 (c) Subject to subsection (g), an agency contract must contain a conspicuous notice in  
20 boldface type and in substantially the following form:



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(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT  
ATHLETE IN YOUR SPORT;

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

(e) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(f) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of

1 contract and the separate acknowledgement required by subsection (d).

2 (g) If a student athlete is a minor, an agency contract must be signed by the parent or  
3 guardian of the minor and the notice required by subsection (c) must be revised accordingly.

#### 4 **Comment**

5 This section is intended to provide protection to the student athlete by requiring a form of  
6 agency contract similar to those required in some consumer transactions.

7  
8 A student athlete who opts to void an agency contract under this section because it does  
9 not comply with the specified form is not required to return any consideration received to induce  
10 the signing of the agency contract because such inducement is prohibited conduct under Section  
11 14.

12  
13 Subsection (b) is revised to require an agency contract to contain a statement that the  
14 athlete agent is registered in the state and a list of any other state in which the agent is registered.

15  
16 The compensation referred to in subsection (b)(2) is compensation for services intended  
17 to induce the student athlete to sign an agency contract. It does not include compensation  
18 individuals may receive because an athlete agent has been successful in securing an agency  
19 contract. For example, the compensation paid employees of an athlete agent who did not  
20 participate in inducing the student athlete to sign an agency contract is not compensation under  
21 subsection (b)(2) even though their compensation may be made possible by the income resulting  
22 from the agency contract.

23  
24 Subsection (b) contains references to a student athlete in a time context in which the  
25 individual may be a former student athlete. This is done for simplicity in drafting. It should be  
26 noted that violation of eligibility rules adopted by an educational institution or a national  
27 association is not automatic and does not occur until a determination has been made by the  
28 educational institution or the national association.

29  
30 Subsection (d) requires an agency contract be accompanied by a separate record signed  
31 by the student athlete that informs the athlete that signing the contract may result in the loss of  
32 eligibility to participate in the athlete's sport. In the rare case where an agency contract involves  
33 a student athlete who is a minor, the section was revised to require the contract to be signed by  
34 the parent or guardian.

#### 35 36 **SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.**

37 (a) In this section, "communicating or attempting to communicate" means contacting or  
38 attempting to contact by an in-person meeting, a record, or any other method that conveys or  
39 attempts to convey a message.

1 (b) Not later than 72 hours after entering into an agency contract or before the next  
2 scheduled athletic event in which the student athlete may participate, whichever occurs first, the  
3 athlete agent shall give notice in a record of the existence of the contract to the athletic director  
4 of the educational institution at which the athlete is enrolled or at which the agent has reasonable  
5 grounds to believe the athlete intends to enroll.

6 (c) Not later than 72 hours after entering into an agency contract or before the next  
7 scheduled athletic event in which the student athlete may participate, whichever occurs first, the  
8 athlete shall inform the athletic director of the educational institution at which the athlete is  
9 enrolled that the athlete has entered into an agency contract and the name and contact  
10 information of the athlete agent.

11 (d) If an athlete agent enters into an agency contract with a student athlete and the athlete  
12 subsequently enrolls at an educational institution, the agent shall notify the athletic director of  
13 the institution of the existence of the contract not later than 72 hours after the agent knew or  
14 should have known the athlete enrolled.

15 (e) If an athlete agent has a relationship with a student athlete before the athlete enrolls in  
16 an educational institution and receives an athletic scholarship from the institution, the agent shall  
17 notify the institution of the relationship not later than 10 days after the enrollment if the agent  
18 knows or should have known of the enrollment and:

19 (1) the relationship was motivated in whole or part by the intention of the agent to  
20 recruit or solicit the athlete to enter an agency contract in the future; or

21 (2) the agent directly or indirectly recruited or solicited the athlete to enter an  
22 agency contract before the enrollment.

23 (f) An athlete agent shall give notice in a record to the athletic director of any educational

1 institution at which a student athlete is enrolled before the agent communicates or attempts to  
2 communicate with:

3 (1) the athlete or, if the athlete is a minor, a parent or guardian of the athlete, to  
4 influence the athlete or parent or guardian to enter into an agency contract; or

5 (2) another individual to have that individual influence the athlete or, if the athlete  
6 is a minor, the parent or guardian of the athlete to enter into an agency contract.

7 (g) If a communication or attempt to communicate with an athlete agent is initiated by a  
8 student athlete or another individual on behalf of the athlete, the agent shall notify in a record the  
9 athletic director of any educational institution at which the athlete is enrolled. The notification  
10 must be made not later than 10 days after the communication or attempt.

11 (h) An educational institution that becomes aware of a violation of this [act] by an athlete  
12 agent shall notify the [Secretary of State] [commission] and any professional league or players  
13 association with which the institution is aware the agent is licensed or registered of the violation.

#### 14 **Comment**

15 The purpose of this section is to prevent an educational institution from being sanctioned  
16 or penalized by allowing an ineligible player to participate in intercollegiate sports. The  
17 penalties may be severe. In addition to non-monetary penalties mentioned in the prefatory note,  
18 penalties may include loss of very substantial revenues received for participation in a football  
19 bowl game or a post-season basketball tournament.

20  
21 The RUAAA adds subsection (a) and subsections (d) through (h) to the notice  
22 requirements contained in the UAAA. The changes are intended to give educational institutions  
23 notice of pre-existing relationships between athlete agents and student athletes and prior notice  
24 of any communication between an athlete agent and a student athlete enrolled at the institution.  
25 If the communication is initiated by the student athlete or someone on behalf of the student  
26 athlete, there is a safe harbor for the agent to report the communication. The changes were made  
27 to conform to amendments to the UAAA by multiple states to that effect and at the suggestion of  
28 the educational institutions.

29  
30 Subsection (h) adds a requirement that an educational institution that becomes aware of a  
31 violation of the act notify the enforcement agency.  
32

1           **SECTION 12. STUDENT ATHLETE’S RIGHT TO CANCEL.**

2           (a) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may  
3           cancel an agency contract by giving notice in a record of cancellation to the athlete agent not  
4           later than 14 days after the contract is signed.

5           (b) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may  
6           not waive the right to cancel an agency contract.

7           (c) If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent,  
8           or guardian is not required to pay any consideration under the contract or return any  
9           consideration received from the athlete agent to influence the athlete to enter into the contract.

10                           **Comment**

11           Because of the disparity in the sophistication of the parties, this section gives the student  
12           athlete or former student athlete the right to cancel an agency contract within 14 days even if the  
13           athlete agent has complied with the provisions of Section 10 regarding the form of the contract.  
14           The section provides relief to the student athlete who has entered into an ill-considered agency  
15           contract, but does not provide any assurance that the student athlete will be eligible to compete in  
16           a sport.

17  
18           The RUAAA revises the section to reflect the rare circumstance of when an agent  
19           contract involves a student athlete who is a minor.

20  
21           **SECTION 13. REQUIRED RECORDS.**

22           (a) An athlete agent shall create and retain for five years records of the following:

23                           (1) the name and address of each individual represented by the agent;

24                           (2) each agency contract entered into by the agent; and

25                           (3) the direct costs incurred by the agent in the recruitment or solicitation of each  
26           student athlete to enter into an agency contract.

27           (b) Records described in subsection (a) are open to inspection by the [Secretary of State]  
28           [commission] during normal business hours.

1           **SECTION 14. PROHIBITED CONDUCT.**

2           (a) An athlete agent, with the intent to influence a student athlete or, if the athlete is a  
3   minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of  
4   the following actions or encourage any other individual to take or assist any other individual in  
5   taking any of the following actions on behalf of the agent:

6                   (1) give materially false or misleading information or make a materially false  
7   promise or representation;

8                   (2) furnish anything of value to the athlete before the athlete enters into the  
9   contract; or

10                  (3) furnish anything of value to an individual other than the athlete or another  
11   registered athlete agent.

12           (b) An athlete agent may not intentionally do any of the following or encourage any other  
13   individual to do any of the following on behalf of the agent:

14                  (1) initiate contact, directly or indirectly, with a student athlete or, if the athlete is  
15   a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to  
16   enter an agency contract unless registered under this [act];

17                  (2) fail to create or retain or to permit inspection of the records required by  
18   Section 13;

19                  (3) fail to register when required by Section 4;

20                  (4) provide materially false or misleading information in an application for  
21   registration or renewal of registration;

22                  (5) predate or postdate an agency contract; or

23                  (6) fail to notify a student athlete or, if the athlete is a minor, a parent or guardian

1 of the athlete, before the athlete, parent, or guardian signs an agency contract for a particular  
2 sport that the signing may make the athlete ineligible to participate as a student athlete in that  
3 sport.

#### 4 **Comment**

5 This section describes the conduct which gives rise to criminal penalties and civil  
6 liabilities under Sections 15 and 16.

7  
8 The RUAAA revises subsection (a) to prohibit an athlete agent from encouraging any  
9 other individual to take or assist another individual in taking any of the prohibited actions on  
10 behalf of the agent.

11  
12 Subsection (a)(3) prohibits an athlete agent from making any payment or providing  
13 anything of value to an individual who is in a position to influence a student athlete to enter into  
14 an agency contract unless that individual is registered as an athlete agent. There have been  
15 numerous instances in which an athlete agent has made payment to or provided something of  
16 value to family members, friends or roommates of student athletes to enlist their services in  
17 inducing a student athlete to sign an agency contract usually without disclosure to the student  
18 athlete.

19  
20 If a student athlete signs an agency contract in the form required by Section 10, there is  
21 no failure to notify under subsection (b)(6) because the agency contract includes the warning to  
22 student athlete required by Section 10(c).

23  
24 **SECTION 15. CRIMINAL PENALTY.** An athlete agent who violates Section 14 is  
25 guilty of a [misdemeanor] [felony] and, on conviction, is punishable by [ ].

26 ***Legislative Note:** Each state should determine the penalties to be imposed for a violation of the*  
27 *act. A state may wish to include a suspension or revocation of the registration as a part of the*  
28 *penalty and also may wish to dedicate all or a part of any fine to the enforcement of the act (see,*  
29 *for example, Section 18897.93, California Business and Professions Code).*

#### 30 31 **Comment**

32  
33 The extent of the criminal penalties which may be imposed for violation of the act are left  
34 to the states adopting the act because of a wide variation in the criminal penalties provided for by  
35 existing acts. Variations in the criminal penalties which may be imposed would not detract from  
36 the otherwise uniform and reciprocal provisions of the act. Some potential criminal penalty is  
37 necessary to discourage those individuals who are willing to engage in improper or illegal  
38 conduct because of the size of the monetary stakes in the contemporary professional sports  
39 world.

1           **SECTION 16. CIVIL REMEDY.**

2           (a) An educational institution or student athlete may bring an action for damages against  
3     an athlete agent if the institution or athlete is adversely affected by an act or omission of the  
4     agent in violation of this [act]. An educational institution or student athlete is adversely affected  
5     by an act or omission of the agent only if, because of the act or omission, the institution or an  
6     individual who was a student athlete at the time of the act or omission and enrolled in the  
7     institution:

8                     (1) is suspended or disqualified from participation in an interscholastic or  
9     intercollegiate [sports] event by or under the rules of a state or national federation or association  
10    that promotes or regulates interscholastic or intercollegiate sports; or

11                    (2) suffers financial damage.

12           (b) A plaintiff that prevails in an action under this section may recover [actual damages]  
13    [treble damages] [,] [punitive damages,] [and] costs[, and reasonable attorney's fees]. An athlete  
14    agent found liable under this section forfeits any right of payment for anything of benefit or  
15    value provided to the student athlete and shall refund any consideration paid to the agent by or  
16    on behalf of the athlete.

17           [(c) A violation of this [act] is an [unfair trade or deceptive practice] for purposes of  
18    [insert reference to state's unfair trade practices law].]

19    ***Legislative Note:*** *If a state has a law that prohibits unfair or deceptive trade practices and*  
20    *provides for civil enforcement by a state agency or persons, including competitors, injured by the*  
21    *practice, the appropriate name for the practice and statutory citation to the applicable law*  
22    *should replace the bracketed language. The drafting rules in some states prohibit what is an*  
23    *amendment by reference and may require the unfair or deceptive trade practices act be*  
24    *amended. In that case, the bill should contain an appropriate amendment of the specific law and*  
25    *subsection (c) should be deleted. Similarly, if a state does not have an unfair or deceptive trade*  
26    *practices law, subsection (c) should be deleted or substantially expanded to provide for civil*  
27    *enforcement by a state agency, affected members of the public, and competitors.*  
28



1 **Comment**

2 The UAAA provided a cause of action for an educational institution against an athlete  
3 agent or a student athlete for damages caused by a violation of the act. The amended section,  
4 which is based on Section 18897.8 of the California Business and Professions Code, removes the  
5 cause of action against a student athlete and gives the student athlete a cause of action against the  
6 athlete agent.  
7

8 The cause of action for a student athlete applies to a student athlete who is suspended or  
9 disqualified or suffers financial damage as a result of the act or omission of an athlete agent in  
10 violation of the act. An action based on suspension or disqualification is clear, as is an action  
11 based on financial damages resulting from an act or omission, such as fraud or misappropriation  
12 of funds, with respect to the student athlete bringing the action. The committee did not intend to  
13 preclude an action by one student athlete against an agent based on an act or omission with  
14 respect to a second student athlete that resulted in the second student athlete being suspended or  
15 disqualified or the institution being sanctioned if the first student athlete can prove financial  
16 damages.  
17

18 **SECTION 17. CIVIL PENALTY.** The [Secretary of State] [commission] may assess a  
19 civil penalty against an athlete agent not to exceed \$[50,000] for a violation of this [act].  
20

20 **Comment**

21 The procedure for imposing an administrative penalty and complying with due process  
22 requirements are left to the adopting state's administrative procedure law.  
23

24 **[SECTION 18. INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE**  
25 **AGENTS.**

26 (a) In enacting this [act], this state adopts the Interstate Compact for Registration of  
27 Athlete Agents and agrees to participate with other states enacting those provisions in  
28 maintaining the Commission on Interstate Registration of Athlete Agents.

29 (b) Once effective, the compact continues in force and, except as otherwise provided in  
30 subsection (c), remains binding on each member state.

31 (c) A member state may withdraw from the compact by repealing the portions of the  
32 statute that enacted the compact into law. The withdrawal may not take effect until one year after  
33 the effective date of the statute that repeals the portions of the statute that enacted the compact

1 into law and until written notice of the withdrawal has been given by the Governor and Secretary  
2 of State of the withdrawing state to the Governor and Secretary of State of each member state.

3 (d) A member state immediately shall notify the executive director of the commission in  
4 a record of the introduction of legislation to repeal the compact in the member state. Not later  
5 than 60 days after receipt of the notice, the executive director shall notify other member states of  
6 the introduction of the legislation.

7 (e) A state withdrawing from the compact under subsection (c) is responsible for all  
8 assessments, obligations, and liabilities incurred through the effective date of withdrawal,  
9 including obligations the performance of which extend beyond the effective date of withdrawal.

10 (f) The compact is dissolved effective on the date of the withdrawal of the member state  
11 that reduces the membership in the compact to fewer than five states. On dissolution, the  
12 compact has no further effect, and the affairs of the commission must be concluded and assets  
13 distributed in accordance with the commission's bylaws.]

#### 14 **Comment**

15  
16 This section is the part of Alternative B which formally creates the Interstate Compact on  
17 Registration of Athlete Agents and provides the procedure for a state that has entered into the  
18 compact to withdraw from the compact.

19  
20 **SECTION 19. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In  
21 applying and construing this uniform act, consideration must be given to the need to promote  
22 uniformity of the law with respect to its subject matter among states that enact it.

23 **SECTION 20. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND**  
24 **NATIONAL COMMERCE ACT.** This [act] modifies, limits, or supersedes the Electronic  
25 Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not  
26 modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize

1 electronic delivery of any of the notices described in Section 103 (b) of that act, 15 U.S.C.  
2 Section 7003(b).

### 3 **Comment**

4 The Electronic Signatures in Global and National Commerce Act (ESGNCA) contains  
5 provisions governing the legal effect, validity, or enforceability of electronic records and  
6 electronic signatures. The act recognizes contracts which have been formed with the use of  
7 electronic records or electronic signatures even though the Drafting Committee recommends that  
8 agency contracts be in the traditional written form.

9  
10 **[SECTION 21. SEVERABILITY.** If any provision of this [act] or its application to  
11 any person or circumstance is held invalid, the invalidity does not affect other provisions or  
12 applications of this [act] which can be given effect without the invalid provision or application,  
13 and to this end the provisions of this [act] are severable.]

14 ***Legislative Note:** Include this section only if this state lacks a general severability statute or a*  
15 *decision by the highest court of this state stating a general rule of severability.*

### 16 17 **SECTION 22. REPEALS; CONFORMING AMENDMENTS.**

18 (a) . . . .

19 (b) . . . .

20 (c) . . . .

21 **SECTION 23. EFFECTIVE DATE.** This [act] takes effect . . . .